

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARLENE JACKSON,)	CIVIL DIVISION
)	
Plaintiff,)	NO.: CA05-33 Erie
)	
v.)	
)	
WAL-MART STORES, INC.,)	
)	
Defendant.)	<u>JURY TRIAL DEMANDED</u>

MOTION FOR EXTENSION

AND NOW, comes Plaintiff, Darlene Jackson, by and through her counsel, Patberg, Carmody, Ging & Filippi and Sean P. Duff, Esquire, and files the following Motion for Extension and in support thereof avers as follows:

1. The above referenced matter arises out of the dismissal of Darlene Jackson from Wal-Mart from the Defendant's Erie, Pennsylvania store.
2. Pursuant to a Case Management Order issued, all dispositive motions were to be filed by January 15, 2006.
3. On or about January 15, 2006, the Defendant filed a Motion for Summary Judgment, Brief in Support thereof and Concise Statement of Material Facts.
4. As such, and again, pursuant to the Case Management Order, Plaintiff's response was due on or about February 15, 2006.
5. On the consent of Defendants, this Court has granted two (2) short previous extensions. The first from February 15, 2006 to February 27, 2006, and the second from February 27, 2006 to March 3, 2006.
6. Part of the reason for the second request for extension was that Plaintiff's counsel and

his law firm are in the process of relocating their entire office across the City of Pittsburgh.

7. On Monday, February 27, 2006, when the second Motion for Continuance was filed, counsel believed that, despite the requirements of moving, he could complete or file the Brief by March 3, 2006.

8. However, after talking with partners in his law firm and realizing the enormity of the task, it has become clear that would be a prohibitive task.

9. In addition to the requirements of physically moving an entire office, the computer systems and secretarial staff would be dedicated and involved with the move.

10. As such, on March 1, 2006, Plaintiff forwarded, via facsimile, a correspondence to Lorena E. Ahumada, Esquire, who has been contact counsel for the Defendant.

11. The correspondence essentially requested an extension until March 9, 2006 and agreed that no further extensions would be requested, the same would be placed in an order, and that the time for replying any reply brief would also be extended until March 27, 2006.

12. The letter requested that defense counsel the Plaintiff's counsel with their thoughts on the extension.

13. Plaintiff's counsel then attempted to contact Attorney Ahumada via telephone at approximately 5:00 p.m. on March 1, 2006 and left a voicemail again requesting an extension. Plaintiff has not received a response from defense counsel.

14. In light of the upcoming deadline and in order to have the matter resolved, Plaintiff seeks this extension from the Court.

15. Considering the extensions granted to Defendant on their Reply Brief and, considering that the aggregate of the total extensions, if granted, would be only twenty-one (21) days, granting said extension would not prejudice any party to this matter.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order substantially in the form attached hereto.

RESPECTFULLY SUBMITTED,

DATE: 3/2/06

PATBERG, CARMODY, GING & FILIPPI

By: 

Sean P. Duff, Esquire

PA. I.D. No.: 88853

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Attorney for Plaintiffs.

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ORDER OF COURT

AND NOW, to-wit, this ____ day of March, 2006, upon consideration of the herein Motion for Extension, it is hereby ORDERED, ADJUDGED and DECREED that said Motion is hereby **GRANTED**. Plaintiff's Reply and Brief in Opposition to Defendant's Motion for Summary Judgment shall be due on or before March 9, 2006. No further extensions will be granted by this Court. Further, any Reply Brief the Defendants wish to be filed will be filed on or before March 27, 2006. The prohibition on extensions does not apply to Defendant's Reply Brief.

BY THE COURT:

J.